



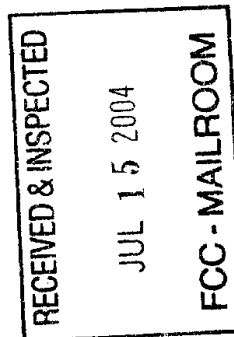
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Federal Communications Commission
Washington, D.C. 20554

C40203
Imaging Center

July 13, 2004

Mark N. Lipp, Esq.
Vinson & Elkins L.L.P.
1455 Pennsylvania Ave., N.W.
Suite 600
Washington, D.C. 20004-1008



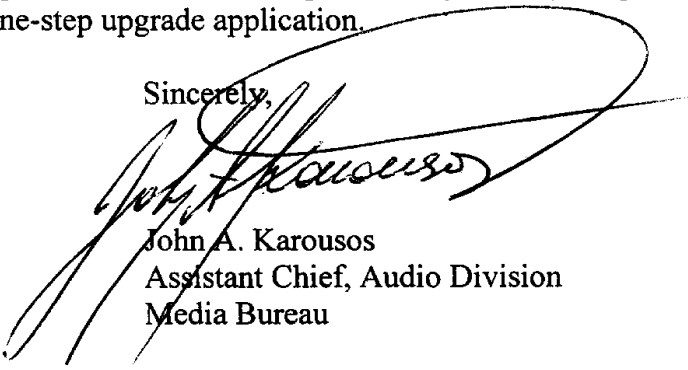
Dear Mr. Lipp:

This is in response to the petition for rule making you filed on behalf of Apex Broadcasting, Inc, requesting the reallocation of Channel 258C0 from Lake Charles, Louisiana to West Orange, Texas, as the community's first local aural transmission service.

We have reviewed the proposal and find that it is unacceptable for consideration at this time. Specifically, the proposal is premature since the one-step application (File No. BPH-20040428AAG) for the upgrade from Channel 258C1 to Channel 258C0 at Lake Charles has not been granted, and no authorization has been issued. Accordingly, we cannot consider your petition for rule making to reallocate Channel 258C0 from Lake Charles, Louisiana to West Orange, Texas.

Therefore, we are returning your petition for rule making. You may refile your petition, after there has been a disposition on the one-step upgrade application.

Sincerely,


John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

COPY

RECEIVED

In the Matter of

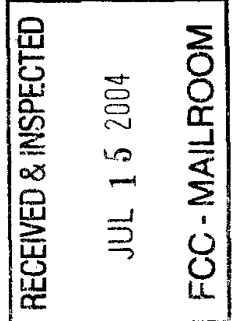
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Lake Charles, Louisiana and
West Orange, Texas)

)
) MB Docket No. _____
) RM - _____
)
)

MAY 24 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Office of the Secretary
Attn: Assistant Chief, Audio Division
Media Bureau



PETITION FOR RULE MAKING

Apex Broadcasting, Inc. ("Apex"), licensee of KBXG(FM), Lake Charles, Louisiana, by its counsel, hereby submits this Petition for Rule Making, which proposes to delete Channel 258C0 from Lake Charles, Louisiana and allot Channel 258C0 to West Orange, Texas as that community's first local service. If this Petition is granted, Apex will file an application for Channel 258C0 at West Orange and construct the facilities as authorized. The following table summarizes the changes requested in this Petition:

City	Channel	
	Existing	Proposed
Lake Charles, Louisiana	241C1, 258C0, 277C2	241C1, 277C2
West Orange, Texas	---	258C0

I. Technical Analysis

1. As demonstrated in the Technical Exhibit, Channel 258C0 can be allotted to West Orange at coordinates 30-07-21 North Latitude, 93-36-21 West Longitude consistent with Section 73.207 of the Commission's Rules with respect to all existing and proposed domestic

allotments and facilities. See Figure 1. A 70 dBu signal can be provided to West Orange from the proposed reference coordinates. See Figure 2. The relocation of KBXG from Lake Charles to West Orange will result in a predicted net gain in population of 273,454 persons within the KBXG 60 dBu contour. See Figure 3. The entire loss area will continue to receive at least 5 other aural services and will thus remain well served. See Figure 4.

II. Change in Community of License

2. Apex desires to change the community of license of KBXG from Lake Charles to West Orange under the guidelines set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recons. granted in part*, 5 FCC Rcd 7094 (1990). There, the Commission stated that a station may change its community of license without subjecting the license to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 258C0 at West Orange is mutually exclusive with the current use of Channel 258C0 at Lake Charles. See Figure 1. Second, Lake Charles will not be deprived of its only local service because it will continue to be served 4 FM stations and 3 AM stations. Third, the provision of a first local service at West Orange (2000 U.S. Census population 4,111) under Priority 3 will result in a preferential arrangement of allotments over the retention of an eighth local service at Lake Charles (2000 U.S. Census population 71,757) under Priority 4. See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

3. West Orange is not located in an Urbanized Area. The proposed 70 dBu contour of KBXG will cover 100% of the Port Arthur and Beaumont Urbanized Areas. However, KBXG is currently located in the Lake Charles Urbanized Area. Therefore, this relocation does not implicate the Commission's policy regarding the migration of stations into urban areas. See *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995) ("*Headland*"); *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) ("*Tuck*"). Nevertheless, a *Tuck* showing is provided. In making the determination whether to award an urbanized community a first local service preference, the Commission will consider (1) the extent to which the station will provide service to the entire Urbanized Area, (2) the relative populations and proximity of the suburban and central city, and, most importantly, (3) the independence of the suburban community. *Tuck*, 3 FCC Rcd at 5377-78. In this case, from the proposed transmitter site, KBXG would place a 70 dBu contour over 100% of the Port Arthur and Beaumont Urbanized Areas. The population of West Orange (2000 U.S. Census 4,111) is 7.1% of that of Port Arthur (2000 U.S. Census 57,755) and 3.6% of that of Beaumont (2000 U.S. Census 113,866). West Orange is located 53.05 kilometers from Port Arthur and 27.79 kilometers from Beaumont. These figures are similar to those of other suburban communities granted a first local preference. See, e.g., *Old Fort, Fletcher, and Asheville, North Carolina; Surgoinsville, Tennessee, and Augusta, Georgia*, 18 FCC Rcd 12181, 12182 (2003) (Fletcher's population is 6.1% of that of Asheville, and Fletcher is located 17 kilometers from Asheville); *Malvern and Bryant, Arkansas*, 14 FCC Rcd 3576, 3577 (1999) (Bryant's population is 3% of that of Little Rock, and Bryant is located 20 miles from Little Rock). Nevertheless, the Commission has repeatedly stated that these factors are less important than evidence of independence. See *Headland*, 10 FCC Rcd at 10355. The following

analysis of the eight *Tuck* factors demonstrates the independence of West Orange from Port Arthur and Beaumont.

(1) *Extent to which the residents of West Orange work in West Orange.*

According to 2000 Census figures, 263 of the 1,625 employed individuals in West Orange, or 16.2%, work at their place of residence. See Exhibit 2. This percentage compares favorably with other independent communities. See, e.g., *Albemarle and Indian Trail, North Carolina*, 16 FCC Rcd 13876 (2001), application for review pending (11.3% of working-age residents worked in community); *Coolidge and Gilbert, Arizona*, 11 FCC Rcd 3610 (1996) (13% of Gilbert's working population actually worked in Gilbert).

(2) *Newspapers and other media that cover West Orange's local needs and interests.* *The Orange Leader* is a daily publication that is delivered to subscribers, and can also be located on the internet at <www.orangeleader.com>. *The Orange Leader* has served Orange County since 1875, and while it is a county paper, it provides the community of West Orange with local coverage. Therefore, the residents of West Orange do not have to rely on the media in Port Arthur or Beaumont. See Exhibit 2.

(3) *Community leaders and residents perceive West Orange as being separate from Port Arthur and Beaumont.* West Orange is located in Orange County, Texas. The town plat for West Orange was filed in 1902 and a substantial community subsequently developed due to West Orange's proximity to the industrial facilities at Port Vernon. West Orange was incorporated in 1954 and is currently administered by a five member city council, headed by a mayor. The mayor of West Orange, Roy McDonald, recently attended the opening of a Goody's Clothing Store in West Orange. Mayor

McDonald was quoted as saying that he "is proud they have given 60 people new jobs."
See Exhibit 2.

(4) *West Orange has its own local government and elected officials.* West Orange operates independently of any other government and is administered by a mayor and city council. Pursuant to the city charter, the city council shall enact local legislation, adopt budgets, determine policies, employ the city officials, execute the laws, and administer the government of the city. The mayor is the chief executive officer of West Orange, and is responsible for ensuring that the laws and ordinances of the city are enforced. In addition to the mayor and city council, the officials of West Orange include the city attorney, the chief of police, the city secretary, the municipal judge, the public works director, the building inspector, the fire marshall, and the fire chief. *See Exhibit 2.*

West Orange has a municipal court, which has jurisdiction within the corporate limits in all criminal cases arising under ordinances of the city, and has concurrent jurisdiction with any justice of the peace in any precinct in which the city is situated in all criminal cases arising under the criminal laws of the state. *See Exhibit 2.*

(5) *West Orange has one zip code.* The zip code assigned to West Orange is 77630, and the U.S. Postal Service operates an office at 3109 Edgar Brown Drive in West Orange. The listings for West Orange are contained in the Greater Orange-Bridge City phone book. The residents of West Orange can use this phone book and do not have to rely on the Port Arthur or Beaumont phone books. *See Exhibit 2.*

(6) *West Orange has its own commercial establishments and health facilities.* West Orange is home to a variety of businesses and commercial establishments. The Greater Orange Area Chamber of Commerce provides a listing of

businesses located in West Orange and serving the community of West Orange. These businesses include, Amtex Bankshares, Beaty Insurance Agency, N&T Construction, Texas Polymer Service, Trampolines USA, West Orange Mobile Home Park, Orange County Ice, Toni's Nails, Marine Grocery, Western Avenue Automotive, and the Appliance Store.¹ See Exhibit 2.

Health care and dental services are provided to the community of West Orange by a number of sole practitioners. West Orange is also home to a number of religious organizations, including the Christian Church of West Orange, the First Baptist Church of West Orange, the Calvary Baptist Church of West Orange, and the St. Johns United Methodist Church. See Exhibit 2.

(7) *West Orange is a separate and distinct advertising market from Port Arthur and Beaumont.* The Orange Leader provides the businesses of West Orange with a place to advertise to the residents of West Orange without relying on the Port Arthur or Beaumont advertising markets. See Exhibit 2.

(8) *West Orange has its own schools, police protection and fire protection.* The city of West Orange encompasses two school districts. The West Orange-Cove Independent School District serves the residents who live on the eastern side of West Orange. The Bridge City Independent School District serves the residents who live on the western side of West Orange. The West Orange-Cove Independent School District administers one high school, one middle school and three elementary schools. The West Orange-Stark High School football team is one of the most successful teams in Texas. It

¹ West Orange shares a zip code with Orange, Texas. Therefore many of the businesses listed in this section have an "Orange" mailing address. However, research of the location of these businesses indicate that they are located in West Orange.

has the highest winning percentage of all division 4A schools in Texas. The community of West Orange is very proud of their football team and they have a website devoted to the team. *See Exhibit 2.*

The West Orange Police Department is managed by the chief of police, Michael S. Stelly. The police department was established by the city charter and the department is dedicated to making the community of West Orange a better place to live. The West Orange Fire Department, also established by the city charter, is administered by the fire marshall, Lewis Hogan. The fire marshall is responsible for the overall planning of fire prevention in the city. *See Exhibit 2.*

4. West Orange is clearly independent of Port Arthur and Beaumont and therefore deserving of a first local service. As demonstrated above, West Orange satisfies all of the independent community indicia required by *Tuck*.

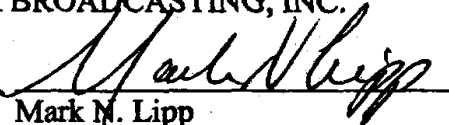
III. CONCLUSION

For the foregoing reasons the Commission should delete Channel 258C0 at Lake Charles, Louisiana and allot Channel 258C0 at West Orange, Texas as that community's first local service. Apex reiterates that if the Commission allots Channel 258C0 at West Orange as that community's first local service, it will file an application and will construct the facilities as authorized. The Commission should promptly issue a Notice of Proposed Rule Making as described herein.

Respectfully submitted,

APEX BROADCASTING, INC.

By:



Mark N. Lipp
Scott Woodworth
Vinson & Elkins L.L.P.
1455 Pennsylvania Ave, NW
Suite 600
Washington, DC 20004-1008
(202) 639-6500

Its Counsel

May 24, 2004

297021_1.DOC

TECHNICAL EXHIBIT

**Engineering Statement
In Support of a
Petition for Rule Making
Channel 258C0 (KBXG), West Orange, Texas**

General

Apex Broadcasting, Inc. ("Apex") hereby petitions the Commission to delete channel 258C1 at Lake Charles, Louisiana and allocate channel 258C0 at West Orange, Texas as that community's first local service. No other spectrum modifications are necessary to effectuate this change.

The proposed amendment to the Table of Allotments is as follows:

<u>City</u>	<u>Current</u>	<u>Proposed</u>
Lake Charles, LA	241C1, 258C0, 277C2	241C1, 277C2
West Orange, TX	-----	258C0

Exhibits Explained

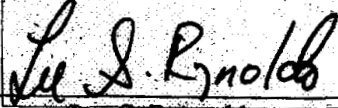
Exhibit E, Figure 1 is an allocation study showing that the proposed channel 258C0 at West Orange, Texas is fully spaced. Exhibit E, Figure 2 shows that the proposed allocation will provide 100% coverage of the new community of license (West Orange) from the proposed KBXG allocation coordinates. It is these coordinates that Apex chooses to use for the purposes of this petition for rule making.

Exhibit E, Figure 3 is a gain/loss study for the proposed deletion at Lake Charles and the addition at West Orange. The end result will be a gain of service to 273,454 persons and an increase in coverage area of 1,605 square kilometers. Exhibit E, Figure 4 is a remaining services study that demonstrates no under-served areas are created by the proposed modification of KBXG.

Conclusion

The instant petition proposes to provide West Orange, Texas (population 4,111 according to the 2000 US Census) its first local service. Lake Charles will remain well served by other commercial FM stations.

For Apex:

A handwritten signature in black ink, appearing to read "Lee S. Reynolds", is written over a horizontal line.

Lee S. Reynolds

Reynolds Technical Associates
12585 Old Highway 280 East, Suite 102
Chelsea, AL 35043
205.618.2020

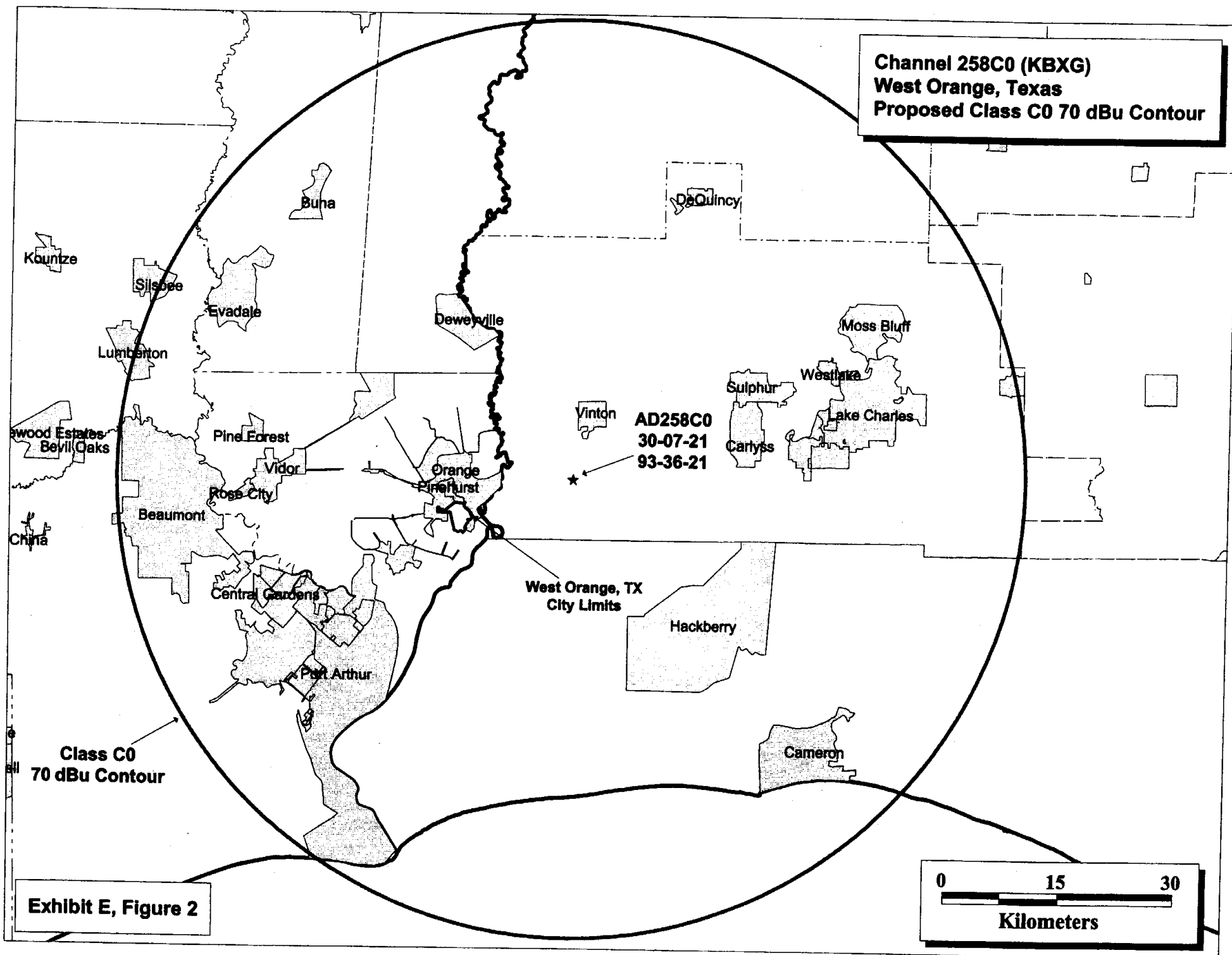
Engineering Statement

In Support of a Petition for Rule Making Channel 258C0 (KBXG), West Orange, Texas

Channel 258C0 Allocation Study

REFERENCE				CLASS = C0		DISPLAY DATES		
30 07 21 N				Current		DATA 05-15-04		
93 36 21 W				Spacings		SEARCH 05-20-04		
----- Channel 258 - 99.5 MHz -----								
Call	Channel	Location		Dist	Azi	FCC	Margin	

Community of West Orange				TX	15.22	252.3		
Reference coordinates:								
North Latitude: 30-04-51								
West Longitude: 93-45-23								
KBXG.A	APP-N 258C0	Lake Charles		LA	18.84	8.6	270.0 -251.16	
KBXG	LIC 258C1	Lake Charles		LA	65.66	61.8	259.0 -193.34	
Of no concern:								
Coordinates used by KBXG								
ALLO	VAC	257A	Corrigan	TX	152.00	310.0	152.0 0.00	
KSHN	LIC	260C2	Liberty	TX	89.14	265.1	89.0 0.14	
KUST	LIC-N	259C3	Huntsville	TX	190.85	290.3	163.0 27.85	
ALLO	VAC	256A	Pineland	TX	118.18	344.0	86.0 32.18	
ALLO	RSV	259A	Willis	TX	185.76	285.1	152.0 33.76	
KUST.C	CP	259A	Willis	TX	188.62	281.6	152.0 36.62	



Gain Area = 8,956 sq km
Loss Area = 7,351 sq km
Pop. Gain = 415,999
Pop. Loss = 142,545

Channel 258C0 at
West Orange, Texas (KBXG)
Gain/Loss Study

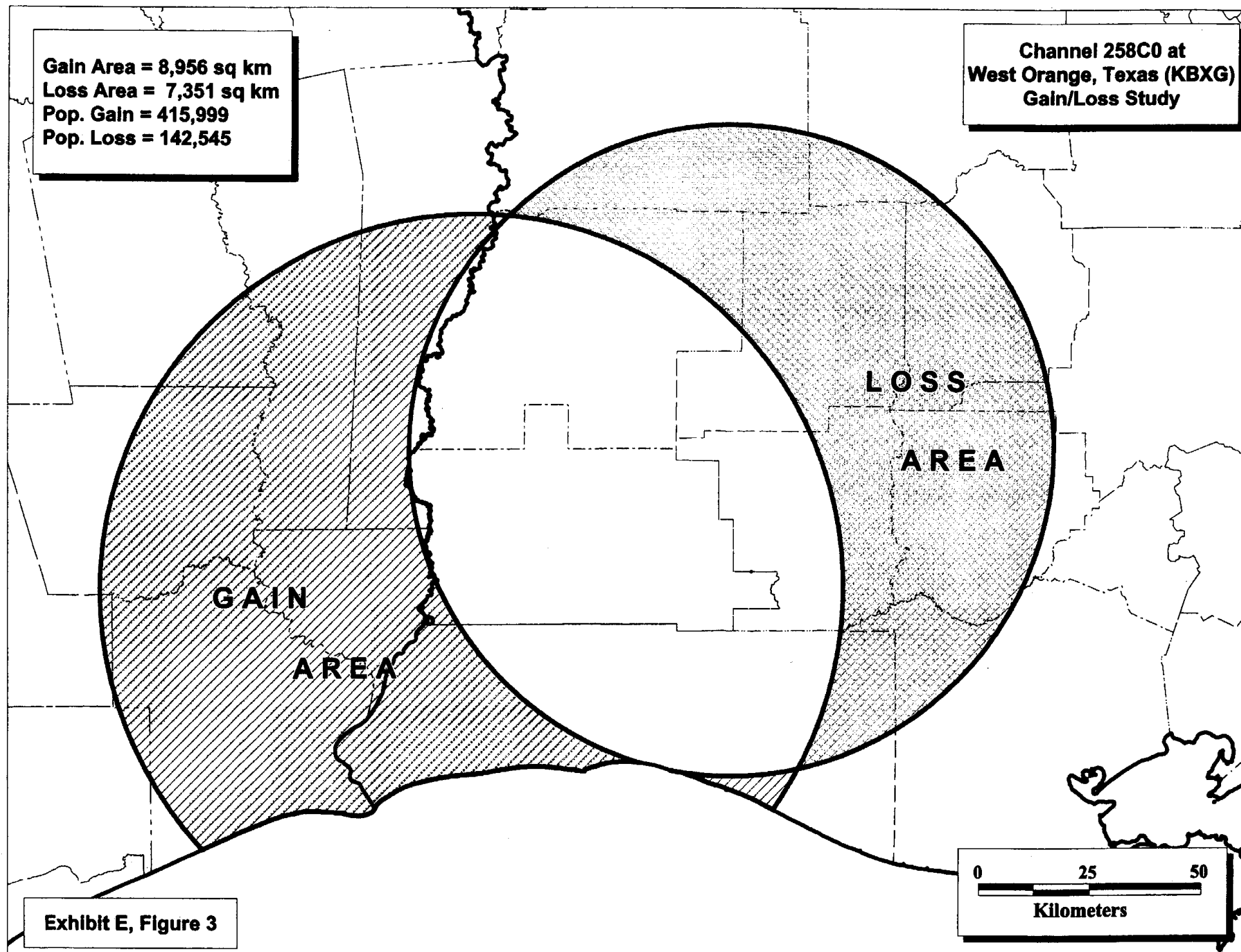


Exhibit E, Figure 3

**Channel 258C0 at
West Orange, Texas (KBXG)
Remaining Services Study**

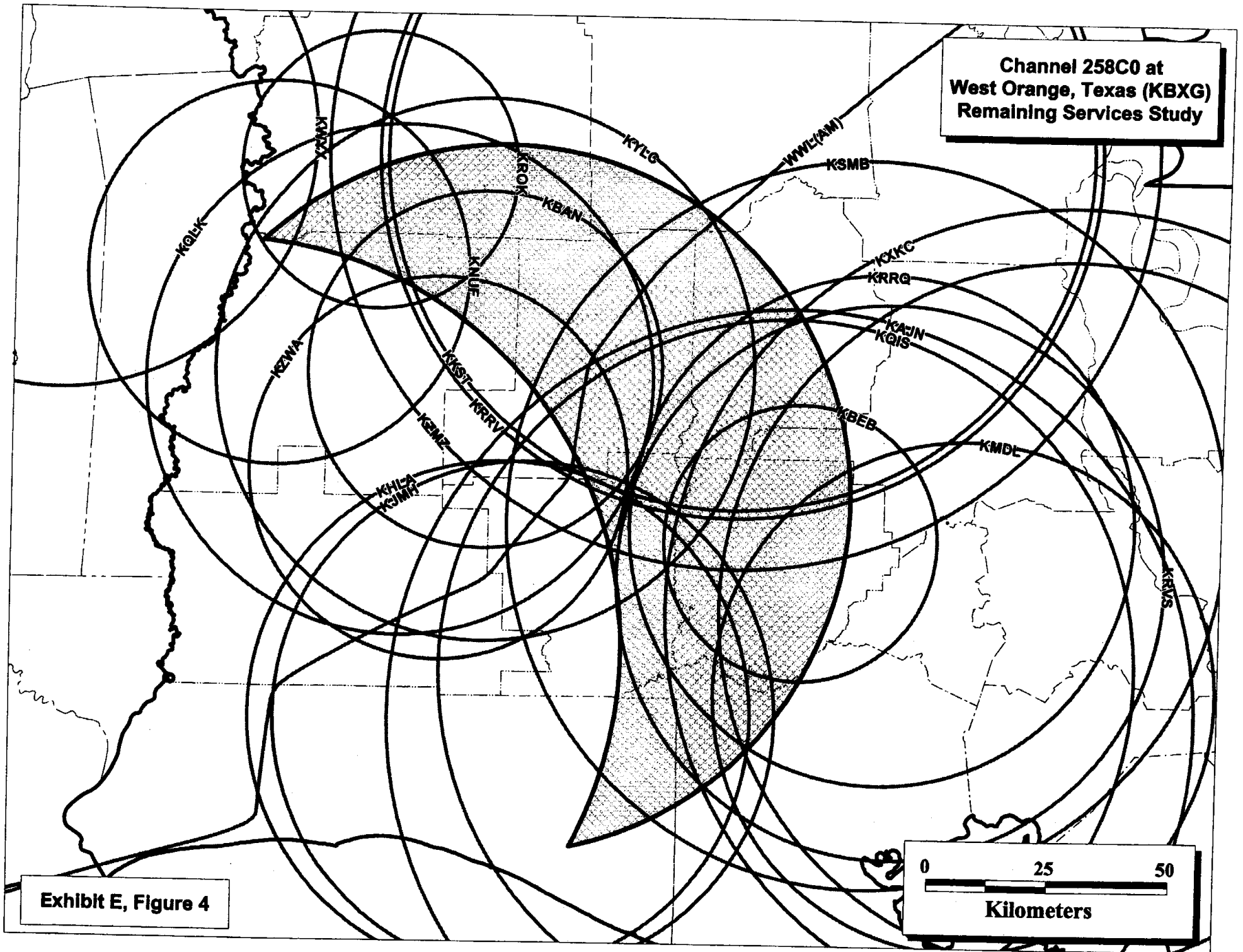


Exhibit E, Figure 4

0 25 50
Kilometers

EXHIBIT 2

American FactFinder

FACT SHEET

West Orange city, Texas

Highlights from the Census 2000 Demographic Profiles:

General Characteristics - show more >>

	Number	Percent	U.S.		
Total population	4,111	100.0	100%	map	brief
Male	2,001	48.7	49.1%	map	brief
Female	2,110	51.3	50.9%	map	brief
Median Age (years)	37.2	(X)	35.3	map	brief
Under 5 years	296	7.2	6.8%	map	
18 years and over	3,104	75.5	74.3%		
65 years and over	724	17.6	12.4%	map	brief
One race - Total	4,033	98.1	97.6%		
White	3,820	92.9	75.1%	map	brief
Black or African American	76	1.8	12.3%	map	brief
American Indian and Alaska Native	14	0.3	0.9%	map	brief
Asian	25	0.6	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	0	0.0	0.1%	map	brief
Some other race	98	2.4	5.5%	map	
Two or more races	78	1.9	2.4%	map	brief
Hispanic or Latino (of any race)	237	5.8	12.5%	map	brief
Average household size	2.46	(X)	2.59	map	brief
Average family size	2.92	(X)	3.14	map	
Total housing units	1,876	100.0	100.0%	map	
Occupied housing units	1,672	89.1	91.0%		brief
Owner-occupied housing units	1,213	72.5	66.2%	map	
Renter-occupied housing units	459	27.5	33.8%	map	brief
Vacant housing units	204	10.9	9.0%	map	

Social Characteristics - show more >>

	Number	Percent	U.S.		
Population 25 years and over	2,760	100.0			
High school graduate or higher	2,050	74.3	80.4%	map	brief
Bachelor's degree or higher	201	9.4	24.4%	map	
Civilian veterans (civilian population 25 years and older)	506	16.3	12.7%	map	brief
Disability Status (population 21 to 64 years)	451	19.9	19.2%	map	brief
Foreign Born	149	3.6	11.1%	map	brief
Now Married (population 15 years and over)	1,847	56.2	54.4%		brief
Speak a language other than English at home (5 years and older)	398	10.2	17.9%	map	brief

Economic Characteristics - show more >>

	Number	Percent	U.S.		
in Labor Force (16 years and older)	1,839	56.9	63.9%		brief
Mean travel time to work in minutes (16 years and older)	16.9	(X)	25.5	map	
Median household income (dollars)	32,224	(X)	41,994	map	
Median family income (dollars)	40,167	(X)	50,046	map	
Per capita income (dollars)	15,850	(X)	21,857	map	
Families below poverty level	134	11.2	9.2%	map	brief
Individuals below poverty level	549	13.2	12.4%	map	

Housing Characteristics - show more >>

	Number	Percent	U.S.		
Single-family owner-occupied homes	1,014	100.0			
Median value (dollars)	40,700	(X)	119,600	map	brief
Median of selected monthly owner costs	(X)	(X)			
With a mortgage	644	(X)	1,088	map	
Not mortgaged	234	(X)	295		

U.S. Census Bureau
American FactFinder

10

Web

P27. PLACE OF WORK FOR WORKERS 16 YEARS AND OVER--PLACE LEVEL [5] - Universe:**Workers 16 years and over****Data Set: Census 2000 Summary File 3 (SF 3) - Sample Data**

NOTE: Data based on a sample except in P3, P4, H3, and H4. For information on confidentiality protection, sampling error, nonsampling error, and definitions see <http://factfinder.census.gov/home/en/datanotes/expsf3.htm>.

	West Orange city, Texas
Total:	1,625
Living in a place:	1,625
Worked in place of residence	263
Worked outside place of residence	1,362
Not living in a place	0

U.S. Census Bureau
Census 2000

Standard Error/Variance documentation for this dataset:**Accuracy of the Data: Census 2000 Summary File 3 (SF 3) - Sample Data (PDF 141.5KB)**

THE ORANGE LEADER

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showcases pages out
of local black history

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how arithmetic

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Retail Advertising: advertising@orangeleader.com

Classified Advertising: classified@orangeleader.com

Circulation: circulation@orangeleader.com

History

[Back to top](#)

The Orange Leader has been the newspaper of Orange County since 1875 and celebrated its 125th year of publication in 2000.

Currently part of the cnhi (Community Newspaper Holdings Inc.) chain of more than 100 dailies and weeklies, the newspaper is leading the county into the 21st century with a modern, fully-paginated newsroom. During the last two years, numerous technical upgrades have been made to the news, classified and retail advertising sections, and the Orange Leader now features this online edition (www.orangeleader.com).

A.P. Harris is credited as the founder of what would become the Orange Leader, arriving in the riverfront town of Orange in 1875 and starting the Orange Weekly Tribune for the town's 2,000 residents. The first issue came out July 24, 1875. Research done as part of the paper's 100th anniversary in 1975 showed the newspaper is the only business to remain in continuous operation without interruption since 1875.

After a few weeks operating as the Orange Daily Tribune in 1880, the paper reverted to its weekly status until it was sold to Mrs. D.J. Stark in 1885. Mrs. Stark's grandson, J.T. Stark, became the new editor.

Three years later, competition arose in the form of the weekly Orange Leader, operated by brothers-in-law Charles M. Rein and George M. Teague. Its first issue came out May 25, 1888. In October of the same year, the Southeast Texas Journal started up, also in Orange, and operated until 1890.

Mrs. Stark sold the Tribune to Rein and Teague in 1896, and they consolidated the two papers under the title the Orange Leader and Weekly Tribune. Around the turn of the century, Teague sold his interest to Rein and subsequently disappeared during a sea voyage from Galveston to New York.

In 1904, Rein sold the daily Tribune and the weekly Leader to D. Dickensheets and A. Ford. Later in the year, they combined the publications under the title the Orange Leader, Citizen-Record Consolidated -- shortening that after a few issues to the present title.

Ford and J.L. Harris eventually assumed ownership of the paper, but Ford ran into financial difficulties and publication of the daily was discontinued until hundreds of Orange residents petitioned for a return to daily status. Ford later went bankrupt and his creditor, W.H. Stark, bought the paper, later selling it to the Marsh-Fentress Co.

During the latter part of the 1920s, O.D. Roberts and J.S. McBeath leased The Leader from Marsh-Fentress and, in 1930, McBeath bought it.

In August 1937, James B. (Jimmy) Quigley, joined by his wife, Anne Quigley, and mother, Edna Quigley, organized a family corporation known as the Orange Leader Publishing Co. and bought the paper from McBeath.

Under the Quigleys, the paper moved into its current location at 200 W. Front Ave. -- the exact spot where A.P. Harris opened his mercantile business and began publishing the Tribune in 1875.

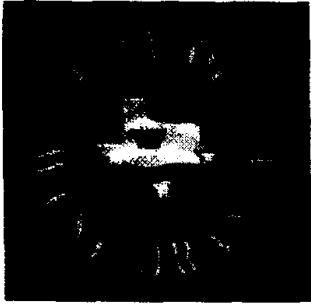
The paper was later purchased by the Cox and American newspaper groups before being sold, along with its sister paper, the Port Arthur News, in 1998 to cnhi. Peter Rogers is the Leader's current publisher. A native of Colorado Springs, Colo., he was the publisher of the Dickinson Press for 13 years. He also served seven years as publisher of the Democrat-Messenger in Waynesburg, Pa., and got his start in the newspaper business in 1975 with the Caspar Star Tribune in Caspar, Wyo. He is a 1975 graduate of the University of Colorado and a graduate of Air Academy High in Colorado Springs.

Margaret Toal is the current editor. A 1971 graduate of Litcher Stark High, she has a bachelor's of art degree from the University of North Texas in journalism. At the University of North Texas, she worked on the North Texas Daily, the student publication. She was twice nominated by the faculty for the national William Randolph Hearst Award for spot news and general news reporting. While in college, she won a Southwestern Journalism Congress award for best live entertainment review.

While with the Lufkin News, she won a UPI first place for feature writing. She has also worked for the Beaumont Enterprise and the Mid County Chronicle.

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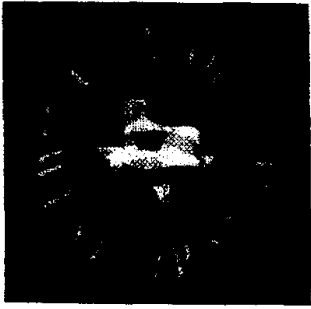
City Hall

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Just a little History . . .

WEST ORANGE, TEXAS. West Orange is on Farm Road 1006 just southwest of Orange and thirty miles east of Beaumont in southeastern Orange County. The town plat for the West Orange addition to Orange was filed in 1902. A substantial residential community developed by virtue of the site's position between the industrial facilities at Orange, those to the south at Port Vernon, which were planned by 1903, and those to the north at Doc Brown Station, at the junction of the Texas and New Orleans and Orange and Northwestern railroads. Oil and brick production was centered at Port Vernon, and a rice warehouse, the Peden Iron and Steel Company, and the county dipping vat were located at Doc Brown Station. In 1954 West Orange was incorporated by a 381-90 vote. During the 1950s the population doubled, from 2,539 in 1950 to 5,080 in 1960. Like many areas of heavily industrialized Jefferson and Orange counties, however, West Orange declined during the two decades that followed. By 1980 the number of residents living there had dropped to 4,610. In 2000 the population was 4,111.

Robert Wooster



City of West Orange
2700 Western Avenue
West Orange, Texas 77630
[409] 883-3468 - Voice
[409] 882-0652 - FAX

City Officials

West Orange City Council

- Roy McDonald, Mayor
- Shirley Bonnin, Mayor Pro-tem
- Meritta Taylor, Councilwoman
- Frances Drodgy, Councilwoman
- Frank Skeeler, Councilman
- Dale Dardeau, Councilman

City of West Orange Officials

- Joe Alford, City Attorney
- Michael Stelly, Chief of Police
- Theresa Van Meter, City Secretary
- Gene Roberts, Municipal Judge
- Chris Boone, Public Works Director

City of West Orange Appointed Support Officials

- Lester Saucier, Jr., Building Inspector
- Lewis Hogan, Fire Marshall
- Randy Ener, Fire Chief

All of the above persons can be contacted through the West Orange City Hall at 409.883.3468 or by e-mail at the general mailbox of westorange@cityofwestorange.com. The West Orange City Hall is located at 2700 Western Avenue in West Orange, Texas.

City Charter

Article I. Corporate Name

Sec. 1. Corporate Name.

Article II. Municipal Boundaries

Sec. 1. Boundaries.

Sec. 2. Extension of Boundaries.

Article III. Form of Government

Sec. 1. [Name; Authority, Powers Generally.]

Article IV. Officers and Their Election

Sec.1. City Officials.

Sec.2. Date of Election.

Sec.3. [Reserved.]

Sec.4. Official Ballot.

Sec.5. Terms of Office: Mayor and Alderman.

Sec.6. Judges of Election.

Sec.7. Installation of Officers.

Sec.8. Qualification of Officers.

Sec.9. Limitations of Councilmen.

Sec.10. Vacancy.

Sec.11. Mayor Pro Tempore.

Sec.12. Compensation of Mayor and Councilmen.

Sec.13. Terms of Office of Appointed Officers.

Article V. Duties and Powers of Officers

Sec.1. Oath.

Sec.2. Duties of Mayor.

Sec.3. Powers of Mayor.

Sec.4. City Secretary.

Sec.5. Treasurer.

Sec.6. City Chief of Police.

***Editor's note**—The city's home rule charter was adopted at an election held on May 19, 1956, and is included herein for the convenience of the users of this Code. The original arrangement, article headings and section catchlines have been retained. Words appearing in brackets herein have been added by the editor for clarification. A uniform system of capitalization has been used. Obvious misspellings have been corrected without notation. Amended sections are designated by history notes in parentheses.

State constitution reference - Charter to be consistent with constitution and general laws, Art. XI, § 5.

State law reference - Home rule municipality, V.T.C.A., Local Government Code § 9.001 et seq.

- Sec.7. City Attorney.
- Sec.8. Public Works Director.
- Sec.9. Fire Marshal.
- Sec.10. Assessor and Collector.
- Sec.11. Judge of the Municipal Court.
- Sec.12. Control of Officers.
- Sec.13. Bond for Appointive Officers.
- Sec.14. Resignation of Officers.
- Sec.15. Removal of Officers.
- Sec.16. Salaries of Appointed Officers.

Article VI. The City Council

- Sec.1. Presiding Officer.
- Sec.2. Meetings.
- Sec.3. Rules of the City Council.
- Sec.4. General Authority.
- Sec.5. Powers.
- Sec.6. Quorum.
- Sec.7. Minimum Votes Required.
- Sec.8. Legislative Procedure.
- Sec.9. Style of Ordinances.
- Sec.10. Ordinances Now in Effect.
- Sec.11. Publication of Ordinances.
- Sec.12. Ordinances, Pleading of, and Admissibility in Evidence.
- Sec.13. Ordinances and Resolutions.

Article VII. General Powers

- Sec.1. Enumerated Powers Not Exclusive.
- Sec.2. Fire Prevention.
- Sec.3. Health Regulations.
- Sec.4. Other Enumerated Powers.

Article VIII. Departments

- Sec.1. General.
- Sec.2. Rules and Regulations for Departments.
- Sec.3. Police Department.
- Sec.4. Fire Department.
- Sec.5. Recreation Department.

Article IX. Public Utilities

- Sec. 1. City Ownership and Operation Thereof.
- Sec. 2. Regulation of Public Utilities.

Article X. Contracts

- Sec.1. General.
- Sec.2. Personal Services.
- Sec.3. Goods, Materials, Services or Supplies.
- Sec.4. Competitive Bidding.

Article XI. Ownership of Real or Personal Property

- Sec.1. Acquisition of Property.
- Sec.2. Real Estate, Etc., Owned by the City.
- Sec.3. Parks, Playground, Etc.

Article XII. Streets and Alleys

- Sec.1. Street Powers.
- Sec.2. Street Improvements.
- Sec.3. Regulation of Vehicles.
- Sec.4. Established Speed Zones and Parking Areas.

Article XIII. Miscellaneous

- Sec.1. Public Property Exempt From Execution.
- Sec.2. City Funds Not Subject to Garnishment.
- Sec.3. Liability for Damages.
- Sec.4. Right of Eminent Domain.
- Sec.5. May Accept Governmental Aid, Etc.
- Sec.6. City Not Required to Give Bond.
- Sec.7. Franchises and Special Privileges.
- Sec.8. Retirement or Pensions for Employees.

Article XIV Finances

- Sec.1. Fiscal Year.
- Sec.2. Budget.
- Sec.3. Depository.
- Sec.4. Bonds, Warrants, Etc.
- Sec.5. Audit and Examination of City Books and Accounts.

Article XV Taxes and Taxation

- Sec.1. Taxable Properties.
- Sec.2. Tax Levies.
- Sec.3. Liens.
- Sec.4. Rendition.
- Sec.5. Unrendered Property.
- Sec.6. Collection of Taxes.
- Sec.7. Payment of Taxes.
- Sec.8. Delinquent Taxes.
- Sec.9. Reserved.
- Sec.10. Occupation Tax.
- Sec.11. Contract for Collection of Delinquent [Taxes].
- Sec.12. Reserved.

Sec.13. Reserved.

Article XVI. Municipal Court

Sec. 1. Creation and Jurisdiction.

Article XVII. Building Regulations

Sec.1. General.

Sec.2. Building Lines.

Article XVIII. Planning and Zoning

Sec.1. In General.

Sec.2. Zoning Ordinance.

Sec.3. Planning and Zoning Commission.

Sec.4. Board of Adjustment.

Article XIX. Recall of Officers

Sec.1. Scope of Recall.

Sec.2. Petitions for Recall.

Sec.3. Form of Recall Petition.

Sec.4. Various Papers Constituting Petition.

Sec.5. Certificate to Petition.

Sec.6. Election to be Called.

Sec.7. Recall Election Form of Ballot.

Sec.8. Recall, Restrictions Thereon.

Sec.9. Failure of City Council to Call an Election.

Sec.10. One or More Officers May Be Recalled at Same Election.

Sec.11. Vacancies in Council Due to Recall, How Filled.

Article XX. [Effect of Powers Granted]

Sec. 1. Saving Clause, Etc.

Article XXI. [Election]

Sec. 1. Vote on Proposed Charter.

CHARTER

ARTICLE I. CORPORATE NAME

Section 1. Corporate Name.

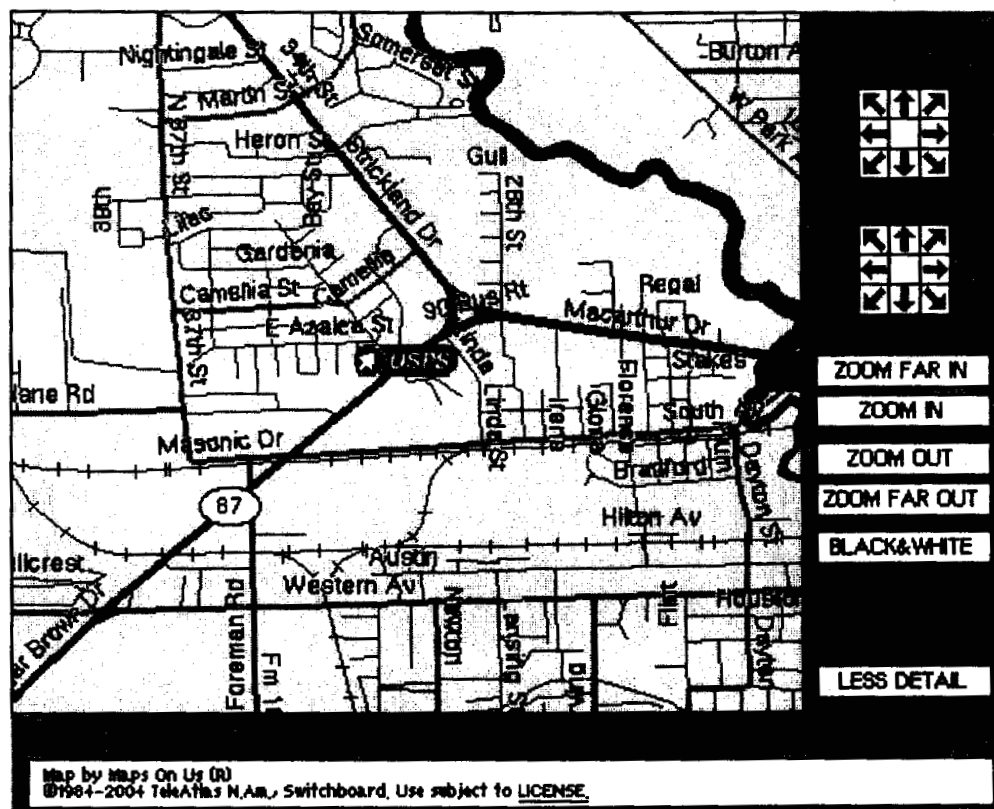

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powered by Switchboard®

Staples Corporation, 3109 Edgar Brown Dr, West Orange, TX 77630 [Plan Route >](#)
Phone: 409-883-2224

For TTY service for the hearing impaired only, 1-877-877-7833.

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 Problems printing? Get a [Printable Map](#).

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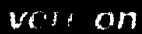
Fill in some or all of the fields below. [\[Explain Addresses\]](#)

Street Address:

(e.g., 600 Mountain Ave, or Mountain Ave & South St, or just Mountain Ave)

City, State

ZIP Code:



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3. and State

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900 Lansing Street, Orange, TX 77630

[phone](#) | [map](#) | [save](#)
First Baptist Church of West Orange

608 Dayton Street, Orange, TX 77630

[phone](#) | [map](#) | [save](#)
Inland West Corporation

319 Myers Street, Orange, TX 77630

[phone](#) | [map](#) | [save](#)
Police Department - West Orange

2700 Austin Street, Orange, TX 77630

[phone](#) | [map](#) | [save](#)
Wells Fargo Bank Texas NA - Store Locations, Beaumont West

400 North 16th Street, Orange, TX 77630

[business profile](#) | [phone](#) | [map](#) | [save](#)
<http://www.wellsfargo.com>
West Orange Cove CISD

300 Arkansas Street, Orange, TX 77630

[phone](#) | [map](#) | [save](#)
West Orange Mobile Home Park

2724 Dowling Street, Orange, TX 77630

[business profile](#) | [phone](#) | [map](#) | [save](#)
West Orange Mobile Home Community

1122 Irving Street Trailer 38, Orange, TX 77630

[phone](#) | [map](#) | [save](#)
West Orange Volunteer Fire Department

2700 Austin Street, Orange, TX 77630

[business profile](#) | [phone](#) | [map](#) | [save](#)
West Orange-City - Police Department Administrative

2700 Austin Street, Orange, TX 77630

[phone](#) | [map](#) | [save](#)
West Orange-City - Fire Dept, Fire Marshal

Orange, TX 77630

[phone](#) | [map](#) | [save](#)
West Orange-City - Municipal Court

2700 Western Avenue, West Orange, TX 77630

[phone](#) | [map](#) | [save](#)

West Orange-City Of
 2700 Austin Street, Orange, TX 77630
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 2700 Austin Street, Orange, TX 77630
[business profile](#) | [phone](#) | [map](#) | [save](#)

**West Orange-Cove Consolidated Independent School District -
 Special Education**
 1109 Border Street, Orange, TX 77630
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New Pastor Coming!!!! Look on our Events page!!!

Thank you for stopping by to visit. We hope that your experience here will be a pleasant one. We at Calvary Baptist

Church of West Orange, Texas wish to let you know we are committed to helping you with your spiritual growth and experience with God through His son, Jesus Christ. Please feel free to email us anytime.

Our Mission

Calvary Baptist Church exists as a body with Jesus Christ as its head. We are commissioned to preach repentance and remission of sins in His name, to all nations beginning in West Orange;

- ✔ To baptize new disciples and help them come to spiritual maturity, to equip them to make, build, and equip other disciples;
 - ✔ To serve the needs of the people in our community, to welcome them into the house of the Lord, and show them how God can work in their lives;
 - ✔ To worship and exalt Jesus Christ, the living God we serve, and have a fellowship that is a complete expression of a love relationship with God, continually striving to encourage and edify fellow believers in Christ.
-

Bible Study & Worship Schedule:

Sunday:

- 9:45 a.m. Sunday School/Bible Study
- 11:00 a.m. Morning Worship Service
- 6:00 p.m. Discipleship Training
- 7:00 p.m. Evening Worship Service

Wednesday

7:00 p.m. Prayer Meeting

7:00 p.m. Youth Bible Study

Contact Information

Telephone

409-883-8388

FAX

409-883-8384

Postal address

P.O. Box 2856, Orange, TX 77631-2856

Street address

2402 Western Avenue, Orange, Texas 77630

Electronic mail

General Information: calvary@ih2000.net

Webmaster: sandyk@pnx.com

[Welcome](#)] [[Church Staff](#)] [[Bible Study](#)] [[Events](#)]

[Senior Adults](#)] [[Mothers of Preschoolers](#)] [[Becoming a Christian](#)]

and mail to sandyk@pnx.com with questions or comments about this web site.

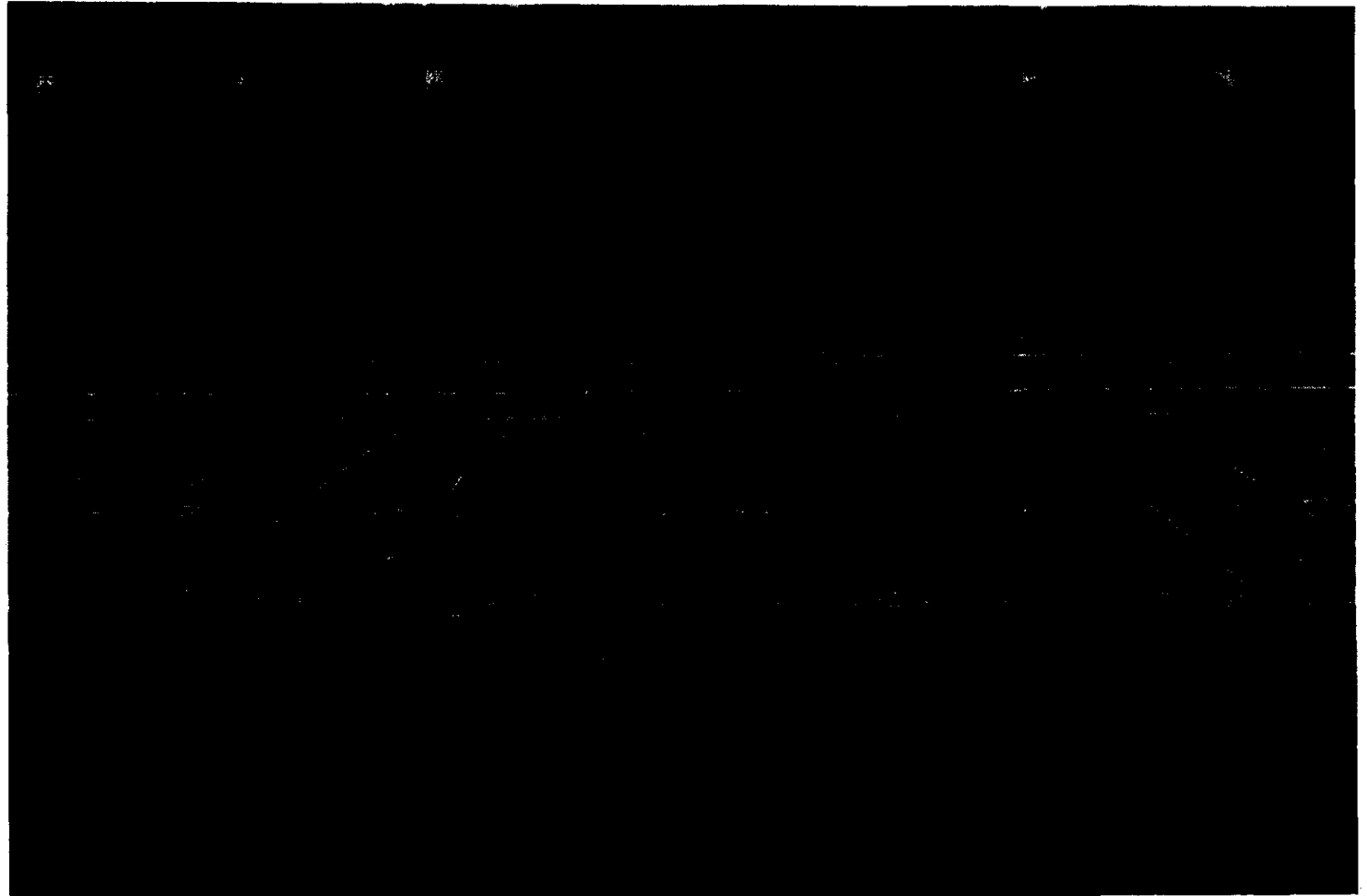
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4A State Champions - 1986, 1987


4A State Finalists - 1988, 2000








Welcome to the West Orange-Stark Mighty Mustang Football Tribute Page!!! Hopefully, you enjoy the site and find it informative, as well as entertaining.

Throughout the year, the page will be updated to bring you

Relocating Information



The City of West Orange is proud that you have chosen to be a part of our community. Just a few notes to help you get started, we are a small community, although our area encompasses two School Districts, depending on where you reside is what determines your district. The West Orange Cove Consolidated School District services the City on all households east of State Highway 87. The Bridge City Independent School District will serve your need if you reside west of State Highway 87. Both districts will accommodate your needs.



City services will be needed when you move to the area, we will help you by giving you a list of essentials:

- Water and Sewer Service is provided in the City by the Orange County Water Control and Improvement District #2, they are located at 2526 Western Avenue in West Orange and may be reached at 409.883.4003.
- Sanitation Service is mandatory in the City of West Orange. This service is offered through the City of West Orange located at the City Hall, 2700 Western Avenue in West Orange and may be reached at 409.883.3468.
- Electric service is available only through one provider and it is Entergy, they may be reached by telephone at 1.800.ENERGY.
- Natural Gas service is available only through one provider and it is Reliant Energy Entex and may be reached by telephone at 409.883.4336.
- Telephone Service is available through one main provider that is SouthWestern Bell. They may be reached at 1.800.464.7928. Other companies subcontract through SouthWestern Bell and may offer service.
- Cable Television service (hard wired) is offered though Time Warner. They may be reached at 409.883.4474.

Welcome

to the home of the

West Orange-Stark Mustangs

[Admissions](#)[Alumni Links](#)[Athletics](#)[Campuses](#)[District Map](#)[Educational Links](#)[Health Services](#)[Meetings](#)[Newsletters](#)[Parent Resources](#)[Reading Programs](#)[Study Labs](#)[Technology](#)[Disclaimer](#)[Administration](#)[Job Information](#)[PK-8 District Code](#)[City Map](#)[Instruction](#)[Facilities](#)[School Calendar](#)[School Board](#)

Facts about us!



West Orange-Cove Consolidated Independent School District believes that we, as educators, influence the the energies of the school and community on with unlimited capacity to compete in a diverse six campuses educate approximately 3,200 students in West Orange, Pinehurst, and West Orange. These campuses are located approximately 120 miles southeast of Houston, Texas.

Mission Statement

[VISIONS STATEMENT](#)
[Board Policy](#)
[E-mail Staff](#)
[E-mail Students](#)
[TEA Accountability](#)
[District Links](#)

The mission of the West Orange-Cove Consolidated Independent School District multicultural community, is to graduate students able to reach their potent society as productive, responsible citizens by utilizing an innovative curriculum facilities, patrons' special talents and unique business/industry partnership.

- Superintendent, Mr. Andrew Hayes
- Administrative Office: 505 N. 15th St., Orange, Texas
- Mailing address: P. O. Box 1107, Orange, TX 77631-1107
- Phone: 409-882-5437

A TEA "Recognized" District

Mouse trail script courtesy Ashley Castle, West Orange - Stark High School, Web Mastering Class



call	(409) 882-5437
write	West Orange-Cove CISD P. O. Box 1107, Orange, TX 77631-1107
or	<u>E-mail us!</u>

Web pages maintained by the Public Information Office.

Board of Trustees

Trustees

- Scott Clark, President
- Nancy Byers, Vice-President
- Beth Wheeler, Secretary
- Shirley B. Martin, Member
- Carl Harris, Member

- ✚ Eric Mitchell, Member
- ✚ Pete Amy, Member

See Board Operating Procedures

Meetings

Citizens are welcome to attend the Board of Trustees meeting held in the Administration Building board room, at 6 p.m. the last Monday of each month. The agenda is posted at the Administration Building, 505 15th Street.

School board committee meetings are at 6 p.m. in the Administration Building board room on posted dates, generally one week before the regular meeting. Board committees include Finance, Building and Grounds, and Policy and Insurance.

Trustee Election

The WO-C CISD has seven trustees serving staggered terms of three years. State law provides that a trustee election shall be held on the first Saturday of May each year for the purpose of electing trustees to vacancies that occur due to the expiration of the term of office of incumbents.

WO-C holds an at-large election with two or three seats on the ballot, with the recipients of the most votes earning election.

Qualifications for office are to be a qualified (registered) voter, take the official oath of office, serve without compensation, and have lived in the state for 12 months and the district for six months.

District Facilities

In addition to West Orange-Stark High School and Middle School, the WO-C CISD school system has three grades K-5 elementary schools. The district also has an exemplary Career Center, which provides vocational education. North Early Learning Center offers preschool programs.

West Orange-Cove's high school, West Orange-Stark High School, has received state recognition as a Senior High School and promotes a High Schools to Work philosophy. In addition, teachers and students from all levels have received numerous national and state awards.

Visit our campuses



Police Department

Emergency Management | Contact Us

A Message from the Chief:

Hello and welcome to the West Orange Police Department's Web Page. We are glad that you have chosen to visit us, and I welcome you to return.

The West Orange Police Department is comprised of dedicated law enforcement professionals who are committed to providing unparalleled service to our community. Our staff is dedicated to maintaining high standards of integrity, professionalism and excellence.

The West Orange Police Department is a pro-active agency that is dedicated to community policing. We recognize that a primary component of effective law enforcement is the participation of our citizens. We, with our citizens, ensure that the law enforcement needs of this community are met. To help us perform our duties, we encourage citizens, business workers and visitors to be alert, take precautions, and to report any crime or suspicious activity to the Police Department. Working together in a partnership we can achieve goals on improving the quality of life in West Orange, Texas.

We are very proud of our Department and the quality of service that we provide. In the past years we have had, and made use of, opportunities to implement a pro-active and dynamic change of our Department. We have not had better working relations with other agencies, this being inclusive of administration flowing down through the clerical ranks in the department. I feel this is necessary in law enforcement because "criminals know no boundaries!". Working together we can pool our resources, establish patterns and share equipment to help "take a bite out of crime!".

As we face the challenges of the millennium and look forward to advances in technology, we continue to focus on a pro-active strategy involving the community and the Police Department working together to not only make our city, but our community, a safe and secure place to live, work and play.

I am very proud to serve and be a part of the West Orange Police Department. The Department and its members are dedicated to excellence in service to the citizens and visitors of the City of West Orange, Texas, 24 hours per day. Don't hesitate to call upon us.

Michael S. Stelly
Chief of Police

such territory within the corporate limits as may be prescribed from time to time by ordinances; may provide for the issuance of permits for erecting all buildings, for the inspection of the construction of buildings, in respect to proper wiring for electric lights and other electric appliances, piping for gas flues, chimneys, fire escapes, plumbing and sewer connections, and to enforce proper regulations in regard thereto; may provide for the enforcement of all ordinances enacted by the city, by a fine not to exceed that allowed by state law.

(Ord. No. 266, § 1(Amd. 10), 5-4-96)

Editor's note—The maximum fine for the violation of ordinances is provided in V.T.C.A., Local Government Code § 54.001.

ARTICLE VIII. DEPARTMENTS

Section 1. General.

The city council may create or establish, abolish or consolidate, as many departments or offices as it may deem necessary for the best interest of the city. It may divide the administration of such departments or offices as it may deem advisable.

Section 2. Rules and Regulations for Departments.

The city council may establish by ordinance such rules and regulations covering the conduct and performance, employment and discharge of personnel in the departments and may from time to time amend such rules and regulations.

Section 3. Police Department.

The city shall have a police department which will be under the general supervision of the city chief of police. The city council shall by ordinance provide for the number of police officers and their qualifications; shall fix their salaries and their terms of office; shall make provisions for their removal from office; shall provide for the giving of bonds for faithful performance of their duties

in office; and shall make such other regulations as might be deemed necessary for the control and operation of the police department. Such officers shall have like powers, rights and authorities as are vested in city marshal under the provisions of V.T.C.A., Local Government Code, § 341.021

(Ord. No. 266, § 1(Amd. 11), 5-4-96)

Section 4. Fire Department.

The city council by ordinance shall provide for a fire department consisting of paid firemen or volunteer firemen, or a combination of paid firemen and volunteer firemen. If paid firemen are to be employed, the city council shall by ordinance provide for the number of paid firemen, their pay, their term of office, provisions for removal of firemen and such other provisions as might be necessary for supervision and control of firemen. The city council shall by ordinance establish such other rules and regulations for a fire department as might be necessary for the proper control and operation of same.

(Ord. No. 214, § 1(Amd. 7), 3-14-88)

Section 5. Recreation Department.

The city shall have the right to establish a recreation department and appropriate necessary funds for the operation of the same. The city shall have the authority to enter into contracts or agreements with other municipalities or political subdivisions in carrying out a joint recreational program for the city and adjoining political subdivisions.

ARTICLE IX. PUBLIC UTILITIES

Section 1. City Ownership and Operation Thereof.

(a) In general. The city shall have the power to build, construct, purchase, own, lease, maintain and operate, within or without the city limits, light and power systems, water systems, sewer systems or sanitary disposal